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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: [signature] DEPUTY

Frank J. Lozoya IV (SBN161640)
LAW OFFICES OF LOZOYA & LOZOYA
15060 Ventura Blvd., Suite 211
Sherman Oaks, California 91403
Telephone: 818-789-7150
Facsimile: 818-789-7190

Attorneys for Plaintiffs,
JOAN G. LOZOYA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOAN G. LOZOYA, Plaintiff, v. ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL; FREEMONT EMERGENCY SERVICE, INC.; ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, Defendant(s).	CASE NO. '07 CV 2148 IEG (WMC) **PLAINTIFF'S COMPLAINT FOR DAMAGES and JURY DEMAND**

Plaintiffs, JOAN G. LOZOYA, hereby allege as follows:

GENERAL ALLEGATIONS

1. This action arises under the 42 U.S.C. § 1395dd *et al*, the Emergency Medical Treatment and Active Labor Act (EMTALA); and California and Nevada statutory and common law. Federal subject matter jurisdiction of the federal claims alleged below are provided, in whole or in part, by 28 U.S.C. §§1331, 1337(a) and 1343(4). Supplemental jurisdiction of the state law claims is provided by 42 U.S.C. 1367(a). Venue is appropriate in the San Diego division of this federal judicial district inasmuch as most or all the events upon which liability is

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predicated took place within the County of San Diego.

2. At all times material hereto, Plaintiff, JOAN G. LOZOYA, is and has been a resident of San Diego County, State of California.

3. At all times material hereto, Defendant, ALEXANDRA E. PAGE, M.D., was and is a licensed physician practicing in the County of San Diego, State of California.

4. At all times material hereto, Defendant, ERIC J. ANDERSON, M.D., was and is a licensed physician practicing in Clark County, State of Nevada.

5. At all times material hereto, Defendant, LINDSY BLAKE, M.D., was and is a licensed physician practicing in Clark County, State of Nevada.

6. At all times material hereto, Defendant, MOUNTAIN VIEW HOSPITAL and licensed medical facility in Clark County, State of Nevada.

7. At all times material hereto, Defendant, HOSPITAL CORPORATION OF AMERICA, INC. Owns and operates the licensed medical facility identified as Defendant, MOUNTAIN VIEW HOSPITAL, and has its place of business in the State of Nevada and California.

8. At all times material hereto, Defendant, FREEMONT EMERGENCY SERVICE, INC., and licensed medical facility in Clark County, State of Nevada.

9. At all times material hereto, Defendant, KAISER FOUNDATION HEALTH PLAN, INC. owns and operates licensed medical facility in the State of California and doing business in San Diego County, State of California.

10. At all times material hereto, Defendant, KAISER PERMANENTE owns and operates licensed medical facility in the State of California and doing business in San Diego County, State of California.

11. The true names and capacities, whether individual, corporate, associate or otherwise, of DOE Defendants, 1 through 30, inclusive, and each of them, are unknown to plaintiffs at this time, and therefore plaintiffs sue said DOE defendants, and each of them, by said fictitious names and will ask leave of the Court to amend their complaint to show their true names and capacities when the same are ascertained. Plaintiffs are informed and believe and thereon allege that defendants, and each of them, are responsible in some manner for the occurrences

herein alleged and are the proximate cause of plaintiffs' injuries.

12. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned, defendants, and each of them, were and are agents and employees of the remaining defendants, and in doing the things alleged herein, acted within the course, scope, and duty of employment with such agency.

13. On or about November 8, 2006, Plaintiff, JOAN G. LOZOYA, was injured in a fall and was transported to MOUNTAIN VIEW HOSPITAL for requested medical attention.

14. Upon arriving at MOUNTAIN VIEW HOSPITAL, Plaintiff was seen by Defendants, ERIC J. ANDERSON, M.D. and LINDSY BLAKE, M.D.

15. Plaintiff, JOAN G. LOZOYA was advised that she had a severe fracture of her right shoulder. Plaintiff was advised by Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL and HOSPITAL CORPORATION OF AMERICA, INC., that they would place her in a sling, provide her with some pain killers and transport her to San Diego for medical treatment in San Diego.

16. Plaintiff, Plaintiff, JOAN G. LOZOYA requested of the Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL and HOSPITAL CORPORATION OF AMERICA, INC., that she not be transported to San Diego, that Plaintiff be seen by an orthopedic specialist and that Plaintiff be treated by Defendants at Defendants facility in Nevada.

17. Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL and HOSPITAL CORPORATION OF AMERICA, INC., and each of them, refused to treat Plaintiff, refused to request an immediate orthopedic specialist consult and failed to stabilize Plaintiff's emergency injuries before forcing Plaintiff to be transferred to San Diego.

18. On or about November 11, 2006, Plaintiff was seen in the emergency department of Defendant, KAISER FOUNDATION HEALTH PLAN, INC. and KAISER PERMANENTE.

19. Plaintiff was then followed in the fracture clinic o where on November 14, 2006, surgery was performed by Defendant, ALEXANDRA E. PAGE, M.D.

20. In providing medical care and treatment to Plaintiff, Defendants, ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL; ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, and each of them, including their nursing staff and other employees, failed to provide necessary and proper medical care for plaintiff's medical condition, to which plaintiff was owed a duty of the proper medical care for this community of physicians.

21. Plaintiff's surgery was not successful and resulted in an additional surgery that has now left Plaintiff permanently maimed and disfigured and Plaintiff suffers loss of use of her arm, impairment of enjoyment of life, suffers significant pain and discomfort, emotional distress and will continue to incur medical costs and expenses in the future, as well s related damages and losses not yet known but arising out of and proximately caused by the conduct of Defendants, ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL; ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, and each of them.

22. Plaintiff, JOAN G. LOZOYA discovered, sometime after April 4, 2007 the injuries sustained was the a failure of the Defendants, and each of them, to properly exercise the proper degree of knowledge and skill in examining, diagnosing, treating, and caring for Plaintiff's medical condition.

23. Thereafter, pursuant to *Code of Civil Procedure* §364, Defendants were given proper notice of Plaintiffs' intent to file a medical malpractice action against said Defendants.

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FIRST CAUSE OF ACTION VIOLATION OF 42 U.S.C. § 1395dd *et al*;
the Emergency Medical Treatment and Active Labor Act (EMTALA);
(Plaintiff As Against HOSPITAL CORPORATION OF AMERICA, INC.; FREEMONT EMERGENCY SERVICE, INC., MOUNTAIN VIEW HOSPITAL & DOES 1 through 30)

24. Plaintiffs JOAN G. LOZOYA, reallege paragraph 1 through 23 of this Complaint and incorporate those paragraphs under this Cause of action as though fully set forth herein.

25. At all times material hereto, Defendant, MOUNTAIN VIEW HOSPITAL and licensed medical facility in Clark County, State of Nevada.

26. At all times material hereto, Defendant, FREEMONT EMERGENCY SERVICE, INC., and licensed medical facility in Clark County, State of Nevada.

27. At all times material hereto, Defendant, HOSPITAL CORPORATION OF AMERICA, INC. Owns and operates the licensed medical facility identified as Defendant, MOUNTAIN VIEW HOSPITAL, and has its place of business in the State of Nevada and California.

28. The medical facilities of Defendants, FREEMONT EMERGENCY SERVICE, INC., MOUNTAIN VIEW HOSPITAL and HOSPITAL CORPORATION OF AMERICA, INC., are governed by 42 U.S.C. § 1395dd *et al.*; the Emergency Medical Treatment and Active Labor Act (EMTALA) as well as *42 CFR Ch. IV, §489.24 et seq*., and related requirements of *42 CFR §489.20(1), (m), (q)* and *(r)*.

29. On or about November 8, 2006, Plaintiff, JOAN G. LOZOYA, was injured in a fall and was transported to MOUNTAIN VIEW HOSPITAL for requested medical attention.

30. Upon arriving at MOUNTAIN VIEW HOSPITAL and FREEMONT EMERGENCY SERVICE, INC., Plaintiff was seen by Defendants, ERIC J. ANDERSON, M.D. and LINDSY BLAKE, M.D.

31. Plaintiff, JOAN G. LOZOYA was advised that she had a severe fracture of her right shoulder. Plaintiff was advised by Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL, FREEMONT EMERGENCY SERVICE, INC. and HOSPITAL CORPORATION OF AMERICA, INC., that they would place her in a sling, provide her with some pain killers and transport her to San Diego for medical

treatment in San Diego.

32. Plaintiff, Plaintiff, JOAN G. LOZOYA requested of the Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL, FREEMONT EMERGENCY SERVICE, INC. and HOSPITAL CORPORATION OF AMERICA, INC., that she not be transported to San Diego, that Plaintiff be seen by an orthopedic specialist and that Plaintiff be treated by Defendants at Defendants facility in Nevada.

33. Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL, FREEMONT EMERGENCY SERVICE, INC. and HOSPITAL CORPORATION OF AMERICA, INC., and each of them, violated the EMTALA by refusing to treat Plaintiff, refusing to request an immediate orthopedic specialist consult, refusing and failing to properly stabilize Plaintiff's emergency injuries, and forcing Plaintiff's transfer to San Diego and refusing to properly care for Plaintiff. Defendants by improperly, in violation of the standard of care, treating, consulting, and diagnosing the Plaintiff causing Plaintiff significant personal injuries.

34. Defendants, ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; FREEMONT EMERGENCY SERVICE, INC., MOUNTAIN VIEW HOSPITAL and DOES 1 through 30, inclusive, and each of them, including their nursing staff and other employees, also violated EMTALA by failing to provide necessary and proper medical care for plaintiff's medical condition, to which plaintiff was owed a duty of the proper medical care for this community of physicians.

35. As a result of the conduct of the named Defendants' herein, Plaintiff suffers loss of use of her arm, impairment of enjoyment of life, suffers significant pain and discomfort, emotional distress and will continue to incur medical costs and expenses in the future, as well s related damages and losses not yet known but arising out of and proximately caused by the conduct of Defendants, ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; FREEMONT EMERGENCY SERVICE, INC., MOUNTAIN VIEW HOSPITAL and DOES 1 through 30, inclusive, and each of them.

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36. Plaintiff, JOAN G. LOZOYA discovered, sometime after April 4, 2007 the personal injuries sustained were a proximate result of the Defendants' EMTALA violation.

SECOND CAUSE OF ACTION

Medical Malpractice - Negligence

(Plaintiff As Against Defendants ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D., HOSPITAL CORPORATION OF AMERICA, INC.; FREEMONT EMERGENCY SERVICE, INC., MOUNTAIN VIEW HOSPITAL & DOES 1 through 30)

37. Plaintiffs JOAN G. LOZOYA, reallege paragraph 1 through 36 of this Complaint and incorporate those paragraphs under this Cause of action as though fully set forth herein.

38. At all times material hereto, Defendant, ERIC J. ANDERSON, M.D., was and is a licensed physician practicing in Clark County, State of Nevada.

39. At all times material hereto, Defendant, LINDSY BLAKE, M.D., was and is a licensed physician practicing in Clark County, State of Nevada.

40. At all times material hereto, Defendant, FREEMONT EMERGENCY SERVICE, INC., and licensed medical facility in Clark County, State of Nevada.

41. At all times material hereto, Defendant, MOUNTAIN VIEW HOSPITAL and licensed medical facility in Clark County, State of Nevada.

42. At all times material hereto, Defendant, HOSPITAL CORPORATION OF AMERICA, INC. Owns and operates the licensed medical facility identified as Defendant, MOUNTAIN VIEW HOSPITAL, and has its place of business in the State of Nevada and California.

43. On or about November 8, 2006, Plaintiff, JOAN G. LOZOYA, was injured in a fall and was transported to MOUNTAIN VIEW HOSPITAL for requested medical attention. Upon arriving at MOUNTAIN VIEW HOSPITAL and FREEMONT EMERGENCY SERVICE, INC., , Plaintiff was seen by Defendants, ERIC J. ANDERSON, M.D. and LINDSY BLAKE, M.D.

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44. Plaintiff, JOAN G. LOZOYA was advised that she had a severe fracture of her right shoulder. Plaintiff was advised by Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL, FREEMONT EMERGENCY SERVICE, INC., and HOSPITAL CORPORATION OF AMERICA, INC., that they would place her in a sling, provide her with some pain killers and transport her to San Diego for medical treatment in San Diego.

45. Plaintiff, Plaintiff, JOAN G. LOZOYA requested of the Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL, FREEMONT EMERGENCY SERVICE, INC., and HOSPITAL CORPORATION OF AMERICA, INC., that she not be transported to San Diego, that Plaintiff be seen by an orthopedic specialist and that Plaintiff be treated by Defendants at Defendants facility in Nevada.

46. Defendants, ERIC J. ANDERSON, M.D., LINDSY BLAKE, M.D., MOUNTAIN VIEW HOSPITAL, FREEMONT EMERGENCY SERVICE, INC., and HOSPITAL CORPORATION OF AMERICA, INC., and each of them, refused to treat Plaintiff properly, refused to request an immediate orthopedic specialist consult, refused and failed to properly stabilize Plaintiff's emergency injuries, and forced Plaintiff's transfer to San Diego and refused to properly care for Plaintiff. Defendants by their improper conduct, violated the standard of care for treating, consulting, and diagnosing the Plaintiff injuries causing Plaintiff significant personal injuries.

47. Defendants, ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; FREEMONT EMERGENCY SERVICE, INC., MOUNTAIN VIEW HOSPITAL and DOES 1 through 30, including their nursing staff and other employees, failed to exercise that degree of knowledge and skill ordinarily possessed and exercised by other physicians, hospitals, nurses, attendants, consultants, employees for plaintiff's medical condition, to which plaintiff was owed a duty of proper medical care from this community of physicians, staff, agents and employees.

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48. As a result of the conduct of the named Defendants' herein, Plaintiff suffers loss of use of her arm, impairment of enjoyment of life, suffers significant pain and discomfort, emotional distress and will continue to incur medical costs and expenses in the future, as well s related damages and losses not yet known but arising out of and proximately caused by the conduct of Defendants, ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL and DOES 1 through 30, inclusive, and each of them.

49. As a legal and proximate cause of this breach of duty by the Defendants, and each of them, they caused serious injury to Plaintiff as described herein above. As a result of the conduct of the defendants, and each of them, Plaintiffs have suffered damages in a sum to be proven at trial but within the jurisdictional of this court.

50. Plaintiff, JOAN G. LOZOYA discovered, sometime after April 4, 2007 the personal injuries sustained were a proximate result of the Defendants' negligent conduct as described herein.

THIRD CAUSE OF ACTION

Medical Malpractice - Negligence

(Plaintiff As Against Defendants ALEXANDRA E. PAGE, M.D., KAISER FOUNDATION HEALTH PLAN, INC., KAISER PERMANENTE & DOES 1 through 30)

51. Plaintiffs JOAN G. LOZOYA, reallege paragraph 1 through 23 of this Complaint and incorporate those paragraphs under this Cause of action as though fully set forth herein.

52. At all times material hereto, Defendant, ALEXANDRA E. PAGE, M.D., was and is a licensed physician practicing in the County of San Diego, State of California.

53. At all times material hereto, Defendant, KAISER FOUNDATION HEALTH PLAN, INC. owns and operates licensed medical facility in the State of California and doing business in San Diego County, State of California.

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54. At all times material hereto, Defendant, KAISER PERMANENTE owns and operates licensed medical facility in the State of California and doing business in San Diego County, State of California.

55. On or about November 11, 2006, Plaintiff was seen in the emergency department of Defendant, KAISER FOUNDATION HEALTH PLAN, INC. and KAISER PERMANENTE.

56. Plaintiff was then followed in the fracture clinic o where on November 14, 2006, surgery was performed by Defendant, ALEXANDRA E. PAGE, M.D.

57. In providing medical care and treatment to Plaintiff, Defendants, ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, and each of them, including their nursing staff and other employees, failed to provide necessary and proper medical care for plaintiff's medical condition, to which plaintiff was owed a duty of the proper medical care for this community of physicians.

58. Defendants, ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, including their nursing staff and other employees, failed to exercise that degree of knowledge and skill ordinarily possessed and exercised by other physicians, hospitals, nurses, attendants, consultants, employees for plaintiff's medical condition, to which plaintiff was owed a duty of proper medical care from this community of physicians, staff, agents and employees.

59. As a result of the conduct of the named Defendants' herein, Plaintiff suffers loss of use of her arm, impairment of enjoyment of life, suffers significant pain and discomfort, emotional distress and will continue to incur medical costs and expenses in the future, as well s related damages and losses not yet known but arising out of and proximately caused by the conduct of Defendants, ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, and each of them.

60. As a legal and proximate cause of this breach of duty by the Defendants, and each of them, they caused serious injury to Plaintiff as described herein above. As a result of the conduct of the defendants, and each of them, Plaintiffs have suffered damages in a sum to be proven at trial but within the jurisdictional of this court.

61. Plaintiff, JOAN G. LOZOYA discovered, sometime after April 4, 2007 the personal injuries sustained were a proximate result of the Defendants' negligent conduct as described herein.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff, JOAN G. LOZOYA prays for judgment against the Defendants, and each of them, as follows:

FIRST CAUSE OF ACTION

a. General Damages according to proof at the time of trial;

b. Special Damages according to proof at the time of trial;

c. For the civil penalty allowed under the EMTALA;

d. For costs of suit herein incurred according to proof at the time of trial;

e. For prejudgment interest from the date of harm or breach and/or from the date of filing; and

f. For such other and further relief as this Court may deem necessary and proper.

SECOND CAUSE OF ACTION

a. General Damages according to proof at the time of trial;

b. Special Damages according to proof at the time of trial;

c. For costs of suit herein incurred according to proof at the time of trial;

d. For prejudgment interest from the date of harm or breach and/or from the date of filing; and

e. For such other and further relief as this Court may deem necessary and proper.

THIRD CAUSE OF ACTION

a. General Damages according to proof at the time of trial;

b. Special Damages according to proof at the time of trial;

c. For costs of suit herein incurred according to proof at the time of trial;

d. For prejudgment interest from the date of harm or breach and/or from the date of filing; and

e. For such other and further relief as this Court may deem necessary and proper.

REQUEST FOR TRIAL BY JURY

Plaintiff, JOAN G. LOZOYA hereby demands a jury trial of all issues so triable.

Dated: November 7, 2007

LAW OFFICES OF LOZOYA & LOZOYA

FRANK J. LOZOYA IV
Attorneys for Plaintiff,
JOAN G. LOZOYA

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED

07 NOV -8 PM 3:42

CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY: [signature] DEPUTY

I. (a) PLAINTIFFS
Joan G. Lozoya

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Frank J. Lozoya IV, Esq. (SBN 161640), 15060 Ventura Blvd., Suite 211, Sherman oaks, CA 91403; Tel: (818) 789-7150

DEFENDANTS
Alexandra Page

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
UNKNOWN

'07 CV 2148 IEG (WMC)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☒ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:
42 U.S.C. § 1395dd et al. the Emergency Medical Treatment and Active Labor Act (EMTALA)

Brief description of cause:
violation of medical treatment act and supplemental state claims of medical malpractice

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $** CHECK YES only if demanded in complaint: **JURY DEMAND:** ☑ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ____ DOCKET NUMBER ____

DATE 11/07/2007

SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # 144331 AMOUNT 350.– APPLYING IFP ____ JUDGE ____ MAG. JUDGE ____

11/8/07 [initials]

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 144331 - SR

November 08, 2007
15:41:13

Civ Fil Non-Pris
USAO #.: 07CV2148 CIV. FIL.
Judge..: IRMA E GONZALEZ
Amount.: $350.00 CA

Total-> $350.00

FROM: LOZOYA V. PAGE
CIVIL FILING